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HOUSE BILL 2863

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State of Washington

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2008 Regular Session

By Representatives Kagi, Walsh, Dickerson, Pettigrew, Haler, Roberts, Priest, Anderson, Jarrett, Darneille, Lias, Clibborn, Morrell, Simpson, Lantz, Goodman, Hurst, Conway, Kenney, Ormsby, and Wood

Read first time 01/17/08. Referred to Committee on Human Services.

1 AN ACT Relating to intensive behavior support services for children  
2 with developmental disabilities; adding a new chapter to Title 71A RCW;  
3 and making an appropriation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that a developmental  
6 disability is a natural part of human life, and the presence of a  
7 developmental disability in the life of a person does not diminish the  
8 person's rights or opportunity to participate fully in the life of the  
9 local community.

10 The legislature recognizes that the number of children who have a  
11 developmental disability along with intense behaviors is increasing and  
12 more families are seeking out-of-home placement for their children.  
13 The legislature intends that services be created to develop skills and  
14 supports designed for the child, family members, and others involved in  
15 the child's life to avoid disruption to the family and reduce the need  
16 for out-of-home placement.

17 Within available funds, the legislature directs the department to  
18 submit a federal waiver application through which services can be  
19 provided to allow a child with a developmental disability who has

1 intense behaviors to have a permanent and stable familial relationship.  
2 The legislature intends for these services to be locally based and  
3 offered as early as possible to avoid family disruption and out-of-home  
4 placement.

5 NEW SECTION. **Sec. 2.** (1) Upon receipt of a federal home and  
6 community-based care waiver and to the extent funding is appropriated  
7 for this purpose, intensive behavior support services may be provided  
8 by the department, directly or by contract, to children with  
9 developmental disabilities who have intense behaviors and their  
10 families.

11 (2) The department shall be the lead administrative agency for  
12 children's intensive behavior support services and shall:

13 (a) Collaborate with appropriate stakeholders to develop and  
14 implement the intensive behavior support services program within the  
15 division of developmental disabilities;

16 (b) Utilize best practices and evidence-based practices;

17 (c) Provide coordination and planning for the implementation and  
18 expansion of intensive in-home services;

19 (d) Contract for the provision of intensive in-home services;

20 (e) Monitor and evaluate services to determine whether the program  
21 meets standards identified in the service contract;

22 (f) Collect data regarding the number of families served, and cost  
23 and outcomes of the program;

24 (g) Adopt appropriate rules to implement the program;

25 (h) License out-of-home placements on a timely basis;

26 (i) Maintain a caseload of one staff for every thirty clients;

27 (j) Assess the child for placement in a waiver program if a child  
28 has more complex needs and the family is unable to care for the child  
29 at home.

30 (3) A child may receive services when the department has determined  
31 that:

32 (a) The child is under the age of eighteen;

33 (b) The child has a developmental disability and has been  
34 determined eligible for these services;

35 (c) The child/family score is substantially high enough on the  
36 behavior sections of the assessment conducted by the division of

1 developmental disabilities within the department to indicate the  
2 child's behavior puts the child or family at significant risk and/or is  
3 very likely to require an out-of-home placement;

4 (d) The child meets eligibility for the home and community-based  
5 care waiver or waivers;

6 (e) The child resides in his or her family home or is temporarily  
7 in an out-of-home placement with a plan to return home;

8 (f) The family demonstrates the ability and willingness to learn  
9 the skills necessary to participate in the care outlined in the  
10 completed individual support plan; and

11 (g) The family is not subject to a pending child protective  
12 services referral.

13 NEW SECTION. **Sec. 3.** (1) Intensive behavior support services  
14 under the program authorized in section 2 of this act shall be provided  
15 through a core team of highly trained individuals either directly or by  
16 contract.

17 (2) The intensive behavior support services shall be designed to  
18 enhance the child's and parent's skills to manage behaviors, increase  
19 family and personal self-sufficiency, improve functioning of the  
20 family, reduce stress on children and families, and assist the family  
21 to locate and use other community services.

22 (3) The core team shall have the following characteristics and  
23 responsibilities:

24 (a) Expertise in behavior management, therapies, and children's  
25 crisis intervention, or have access to such specialized expertise;

26 (b) Ability to coordinate the array of services and supports needed  
27 to stabilize the family;

28 (c) Ability to conduct transition planning as an individual and the  
29 individual's family leave the program; and

30 (d) Ability to authorize or coordinate the services in the family's  
31 home and other environments, such as schools and neighborhoods.

32 (4) The following types of services would constitute intensive  
33 behavior support services:

34 (a) Behavior consultation;

35 (b) Minor home adaptations;

36 (c) Motor vehicle adaptations;

37 (d) Goods, services, and supplies;

- 1 (e) In-home daily care;  
2 (f) Therapies;  
3 (g) In-home respite and planned out-of-home respite;  
4 (h) Intensive behavior management training of families and other  
5 individuals and partners working with the child in all domains,  
6 including the school and individualized education plan team; and  
7 (i) Coordination and planning.

8 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
9 a new chapter in Title 71A RCW.

10 NEW SECTION. **Sec. 5.** The sum of two million eight hundred  
11 thousand dollars, or as much thereof as may be necessary, is  
12 appropriated for the fiscal year ending June 30, 2009, from the general  
13 fund to the department of social and health services to serve up to one  
14 hundred children under this act.

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